



November 26, 2018

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (951) 955-2400 • FAX (951) 955-2428

Samuel Sinyangwe
MuckRock News-DEPT MR 62460
411A Highland Ave.
Somerville, MA 02144-2516

Re: California Public Records Act (CPRA) Request, Pursuant to Cal. Gov't Code § 6250, et seq.

Dear Mr. Sinyangwe

On October 31, 2018, the Riverside County Sheriff's Department received your requests based on the California Public Records Act ("CPRA" – Government Code §§ 6250 et seq.) The time for response was extended for an additional period of 14-Days up until November 26, 2018 pursuant to the CPRA as outlined in Government Code § 6253. Your original request is attached to this response determination letter and has been processed as follows:

The Riverside County Sheriff's Department response applies to one or more of the sections listed. Sections in red are responsive to your request.

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b).

Please See Section I on page 2 for details.

☒ We regret to inform you that it has been determined that there are no disclosable records that can be made available for inspection and/or copying in response to your request because:

☐ Records do not exist. ***Please see Section II on page 2 for details.***

☒ The record does not belong to the Riverside County Sheriff's Department.

Please see Section III on page 2 for details.

☐ There are no disclosable records that can be made available for inspection and/or copying in response to your request on the basis that the records sought are exempt from disclosure under CPRA.

Please see Section IV on page 3 for details.

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b).

However, it has also been determined that some records and/or portions of such records are exempt from disclosure under the California Public Records Act (Government Code § 6250 et seq.) and thus will be withheld or subject to redaction on the basis of the various grounds. ***Please see Section V on page 3 for details.***

Thank you for your interest in Riverside County Sheriff's Department records. If we can be of further assistance, please do not hesitate to contact me at: (951) 955-2467.

Sincerely,

STAN SNIFF, SHERIFF


Sergeant Ken Thrum

Riverside County Sheriff's Department
Professional Standards Bureau

SECTION I: DISCLOSABLE RECORDS

SECTION II: RECORDS DO NOT EXIST

SECTION III: RECORD DOES NOT BELONG TO THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

Although the Riverside County Sheriff's Department does not possess the requested records, it is suggested that you inquire with the Riverside County Human Resources Department's Risk Management Division unit in connection with your request for such records. They can be contacted at: (951) 955-3540, P.O. Box 1210, Riverside, CA 92502

SECTION IV: NO DISCLOSABLE RECORDS EXEMPTIONS*

| | |
|---|--|
| <input type="checkbox"/> Government Code § 6254(a) <u>Request</u> | <input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(b) <u>Request</u> | <input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(c) <u>Request</u> | <input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(f) <u>Request</u> | <input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(u) <u>Request</u> | <input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254.29 <u>Request</u> | <input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6255 <u>Request</u> | <input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request</u> |

SECTION V: REDACTED RECORDS EXEMPTIONS*

| | |
|---|--|
| <input type="checkbox"/> Government Code § 6254(a) <u>Request</u> | <input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(b) <u>Request</u> | <input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(c) <u>Request</u> | <input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(f) <u>Request</u> | <input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254(u) <u>Request</u> | <input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request</u> |
| <input type="checkbox"/> Government Code § 6254.29 <u>Request</u> | <input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request</u> |
| <input type="checkbox"/> Government Code § 6255 <u>Request</u> | <input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request</u> |

* See Attachment I for Government Code Details

ADDITIONAL INFORMATION:

As a courtesy, we are providing you with the names of the 12 lawsuits filed against the Riverside County Sheriff's Department contract city of Moreno Valley since January 1, 2016.

1. Tiffany Barraza vs. County of Riverside
2. Manuel Vasquez vs. County of Riverside
3. Billy Duncan vs. County of Riverside
4. Elinda Vargas Esquivel vs. County of Riverside
5. Tamara Hagen vs. County of Riverside
6. Christina Perez vs. County of Riverside
7. Scott Alderson vs. County of Riverside
8. Francisco Garcia vs. County of Riverside
9. Jonathon Kohut vs. County of Riverside
10. Alton Stowers vs. County of Riverside
11. Muhammad Adom vs. County of Riverside
12. Curtis Smith Jr. vs. County of Riverside

ATTACHMENT 1

GOVERNMENT CODE SECTIONS

6254(a)- provides that preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

Government Code § 6254(b)- provides that records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Government Code § 810 et seq., are exempt from disclosure until the pending litigation or claim has been finally adjudicated or settled.

Government Code § 6254(c)- provides that personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy is exempt from disclosure.

Government Code § 6254(f)- provides that law enforcement investigation, security and intelligence information file records of a local police agency are exempt from disclosure. Furthermore, as set forth in Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997) and Williams v. Superior Court, 5 Cal. 4th 337 (1993), the investigatory file exemption to the public records act request is not lost even where the investigation is deemed concluded or terminated.

Government Code § 6254(k)- read in conjunction with Evidence Code § 1040, provides that official information acquired in confidence by a public employee is exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Article I, § 1 of the California Constitution provides that personal information details are subject to privacy rights that make such information exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Evidence Code §§ 952 and 954 provides that attorney-client confidential communications, attorney work-product material and privileged material are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Welfare and Institutions Code § 827 provides that juvenile case file records are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the California Confidentiality of Medical Information Act ("CACMIA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 which provide that peace officer or custodial officer personnel records information may only be obtained via the noticed motion procedure required by said statutes and therefore is exempt from disclosure.

Government Code § 6254(k) read in conjunction with Penal Code § 1546 which is the recently enacted Electronic Communications Privacy Act and provides confidentiality of electronic communications from disclosure.

Government Code § 6254.29 -provides that social security number information is exempt from disclosure.

Government Code § 6254(u)- provides that certain information contained in applications for licenses to carry firearms issued pursuant to Penal Code 12050 by a county sheriff are exempt from disclosure.

Government Code § 6255 -the records in question are exempt because under the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

From: 62460-79772620@requests.muckrock.com [mailto:62460-79772620@requests.muckrock.com]
Sent: Thursday, October 18, 2018 7:51 AM
To: City Clerk <cityclerk@moval.org>
Subject: California Public Records Act Request: Police Settlements Info (City Clerk Department)

City Clerk Department
PRA Office
PO Box 88005
14177 Frederick Street
Moreno Valley, CA 92553

October 18, 2018

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Copies of all reports, lists, databases, or individual documents created since Jan. 1, 2016 that detail lawsuits brought against the city's police department and the outcome of lawsuits brought against the city's police department which includes the financial settlement. This should include any documentation mechanism your department uses to track lawsuits. It should also include any documents that your department submits to local, state, or federal agencies listing the number and/or status of lawsuits brought against the police department.

This request should be construed to include documents compiled quarterly, annually, or in other increments as well as documents or databases that contain responsive information over a longer time span.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Samuel Sinyangwe

Filed via MuckRock.com

E-mail (Preferred): 62460-79772620@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/city-clerk-department-

4749/police-settlements-info-city-clerk-department-62460/?email=CityClerk%40moval.org&uuid-login=41bf8862-6762-4b03-bd72-d7f18da959b0#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 62460

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.